

Message Text

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ORIGIN EB-07

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DRAFTED BY EB/CBA/BP:RJBUSHNELL:VJW

APPROVED BY EB/CBA/BP:HJWINTER

L/EB - PTRIMBLE (INFO)

EUR/NE - NACHILLES

JUSTICE - JDAVIDOW (SUBST)

COPYRIGHT OFF - DSCHRADER (INFO)

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R 030022Z MAY 75

FM SECSTATE WASHDC

TO AMEMBASSY LONDON

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E.O. 11652: N/A

TAGS: ETRD, UK, US

SUBJECT: ANTITRUST: US/UK PUBLISHERS

REF: LONDON 06117

1. IN ADDITION TO AIDE MEMOIRE MENTIONED REFTTEL, SIR DONALD MAITLAND OF BRITISH FOREIGN OFFICE LEFT TALKING POINTS (COPY BEING POUCHED) WITH UNDER SECRETARY ROBINSON ON APRIL 18. ACCORDING TO THE TALKING POINTS, BASIC BRITISH COMPLAINTS ARE THAT THE ANTITRUST SUIT RAISES CONFLICT OF JURISDICTION QUESTIONS AND COULD BE CONTRARY TO U.S. OBLIGATIONS UNDER THE UNIVERSAL COPYRIGHT CONVENTION (UCC) TO WHICH BOTH COUNTRIES ARE PARTY.

2. FYI - WE DO NOT SEE A CONFLICT OF JURISDICTION IN THIS CASE SINCE EVERY DEFENDANT IS A U.S. FIRM SUBJECT TO U.S. JURISDICTION. THE SUIT NAMES THE BRITISH PUBLISHERS ASSOCIATION AS A CO-CONSPIRATOR RATHER THAN AS A DEFENDANT. FURTHER, IT IS WELL ESTABLISHED UNDER U.S. LAW THAT AMERI-
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CAN COURTS HAVE JURISDICTION OVER ACTS AND CONTRACTS WHICH RESTRICT OUR FOREIGN TRADE. ON THE UCC POINT, BRITISH AUTHORS AND PUBLISHERS WOULD CONTINUE TO HAVE FULL COPYRIGHT PROTECTION FOR THEIR WORKS IN THE U.S.

UNDER THE ANTITRUST CONSENT DECREE CURRENTLY BEING

NEGOTIATED. THE CONSENT DECREE WOULD ENABLE BRITISH AUTHORS AND PUBLISHERS TO CONTINUE TO GRANT EXCLUSIVE PUBLISHING RIGHTS FOR THEIR COPYRIGHTED WORKS AS LONG AS THEY DO NOT GRANT THESE RIGHTS UNDER RESTRICTIVE AGREEMENTS WITH OTHER PUBLISHERS. END FYI

3. IT APPEARS THAT THE UK GOVERNMENT IS FAR OUT AHEAD OF THE BRITISH PUBLISHERS ASSOCIATION (BPA) ON THIS

MATTER, SINCE BPA IS CONTINUING TO NEGOTIATE IN APPARENT GOOD FAITH WITH JUSTICE DEPARTMENT OFFICIALS CONCERNING CONSENT DECREE SETTLEMENT. JOEL DAVIDOW, JUSTICE DEPT. FOREIGN COMMERCE SECTION CHIEF, MET APRIL 30 WITH BPA WASHINGTON COUNSEL TO DISCUSS FURTHER REVISION OF THE DRAFT CONSENT DECREE IN ATTEMPT TO MEET BRITISH OBJECTIONS. JUSTICE PLANS TO PROVIDE BPA COUNSEL COPY OF REVISED CONSENT DECREE WITHIN NEXT TEN DAYS FOR FORWARDING TO BPA LONDON.

4. DEPARTMENT WILL KEEP EMBASSY INFORMED OF DEVELOPMENTS. KISSINGER

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<< END OF DOCUMENT >>

Message Attributes

Automatic Decaptioning: X
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Draft Date: 03 MAY 1975
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